

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	10/749,457	
Applicant	:	Paul M. Tsou	
Filed	:	December 31, 2003	
TC/A.U.	:	3732	
Examiner	:	Stokes, Candice Capri	
Docket No.	:	455770.15022	
Customer No.	:	27,574	

DECLARATION OF PAUL M. TSOU

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Paul M. Tsou, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the application or any resulting patent, declares:

- 1) I am the sole inventor of the invention described in the patent application referenced above. I am submitting this declaration in support of the Response to Office Action due on August 12, 2007, which is being filed concurrently with this declaration.
- 2) I am a medical doctor licensed to practice medicine in the State of California by the Medical Board of California.
- 3) I received my medical training from the University of California in San Francisco, where I received an M.D. degree in 1965.
- 4) I have specialized in the field of orthopedic spinal and back surgeries since 1973.

5) I currently hold the position of surgeon at the UCLA Medical Center in Los Angeles, California.

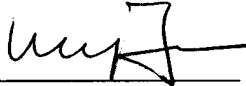
6) I routinely perform spinal surgery on my patients who suffer from a variety of medical conditions. I have a broad range of knowledge of the different types of tools and methods used in modern surgical techniques.

7) It is my understanding that the Examiner has objected to the amendment filed on April 20, 2007, because the Examiner believes the new claims are drawn to a new surgical system not previously presented in the application.

8) The phrase "minimal access" and "percutaneous" are synonymous as they relate to endoscopic spinal surgery. All endoscopic surgery, by definition, is both "minimal access" surgery and "percutaneous" surgery. The first phrase merely means that the endoscopic surgery attempts to minimize the incision size and trauma to the patient. "Percutaneous" specifies "minimal access" by specifying the method used to minimize access: that is, the surgery is performed by inserting the medical instruments through a slim tube that punctures the skin.

9) All statements made of my own knowledge are true and all statements made on information and belief are believed to be true.

August 10, 2007
Beverly Hills, CA



Paul M. Tsou